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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,509	08/22/2003	Yin-Chan Huang	4448-0129P	8720
2292	7590	09/22/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			HASAN, MOHAMMED A	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/645,509

Applicant(s)

HUANG ET AL.

Examiner

Mohammed Hasan

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11- 20 is/are allowed.
- 6) ☒ Claim(s) 1 - 5, 10 is/are rejected.
- 7) ☒ Claim(s) 6 - 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt of acknowledged of papers submitted under 35 U.S.C. 119 (a) – (d), which papers have placed of record in the file.

***Oath/Declaration***

2. Oath and declaration filed on 10/22/2003 is accepted.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 5, and 10 are rejected under 35 U.S.C. 102 (e) as being anticipated by Huang et al (6,661,588 B1).

Regarding claim 1, Huang et al discloses (refer to figure 8) a lens module comprising: a lens (250), wherein a first elastic device (290) and a second elastic device (290) are disposed beneath the lens and a clamping apparatus disposed in a photoelectric sensing device for clamping the lens to the photoelectric sensing device, the clamping apparatus comprising: a base (284), a first part and a second part respectively disposed on two sides of the base, wherein the first side part (284c) , the second side part (284c) , and the base form a containing through for holding the lens (250), a top part having connected to a top of the first side part and other end coupled with a top of the second side part, the top part comprising a first screw hole and a second screw hole and a first adjust screw (288) and a second adjusting screw (288) respectively screwed into the first screw hole and the second screw hole for pressing two sides of the lens (250) to make the first elastic device (290) and the second elastic device (290) to touch the top of the base, wherein the relative height of the two sides of the lens is adjusted by turning the first adjusting screw and the second adjusting screw (column 3, lines 24 – 60).

Regarding claim 2, Hung et al discloses, wherein the first elastic device (290) and the second elastic device (290) are springs (column 3, line 57).

Regarding claim 3, Hung et al discloses (refer to figure 8) wherein at least one raised portion is projected from the top of the base (284) for touching the bottom of the lens (250).

Art Unit: 2873

Regarding claim 4, Hung et al discloses (refer to figure 8) wherein at least one raised portion is projected from the bottom of the top part for touching the top of the lens (250).

Regarding claim 5, Hung et al discloses (refer to figure 8) wherein the top of the second side part has a fixing hole, the top part has an opening corresponding to the fixing hole, and a screw goes through the opening to be screwed (288) into the fixing hole in order to fix the top part on the top of the second side part (column 3, lines 36 – 43).

Regarding claim 10, Hung et al discloses ( refer to figure 8) wherein the first adjusting screw (288) and the second adjusting screw (288) are respectively vertically opposing to the first elastic device(290) and the second elastic device (290) (column 3, lines 36 – 43).

***Allowable Subject Matter***

4. Claims 11 - 20 are allowed.

5. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in a combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 11, and 18, for example, which include a first groove and a second groove for containing first extending part and the second

Art Unit: 2873

extending part and the upper surfaces of the first groove and the second groove respectively having two screw holes and the first extending and the second extending part to make the first elastic device and the second elastic device respectively touch the lower surfaces of the first groove and the second groove.

6. Claims 6 – 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails show, the first groove and the second groove are respectively disposed on the two sides of the lens and a first slide and a second slide are respectively disposed on the inner side of the first side part and the second side part for engaging with the first groove and the second groove, a third slide and a fourth slide are respectively disposed on the two sides of the lens and a third groove and a fourth groove are respectively disposed on the inner side of the first side part and the second side part for engaging with the third slide and fourth slide.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest prior art

Sato (5,754,350) discloses a lens supporting device supports a lens to a lens frame.

Osterried (US 2002/0021503 A1) discloses a device for mounting an optical element for example a lens element in a lens.


**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272- 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MH  
September 20, 2004

  
Georgia Epps  
Supervisory Patent Examiner  
Technology Center 2800